

REMARKS

Any fees that may be due in connection with the filing of this paper or with this application may be charged to Deposit Account No. 06-1050.

Claims 1-29 and 32-43 are now pending in this application, new claims 39-43 having been added by the above amendment. Claims 30 and 31 are cancelled herein without prejudice or disclaimer.

Claims 16-29 and 38 are amended to depend (directly or indirectly) on independent Claim 32, belonging to restriction Group IV. Basis for amendment of Claim 38 can be found, for example, in original Claim 38 and in the specification at page 10, lines 13-14.

Basis for the amendment of "species" Claims 16-29 to depend on independent base Claim 32 of Group IV can be found in the specification, for example, at page 36, line 30 to page 37, line 18. The cited section describes how particularly preferred antibodies provided by the instant application have the functional feature of recognizing the region between amino acids 26 and 274 of Mpl. The cited section further describes how such antibodies can be prepared, then states that the specification provides the antibodies above in structural embodiments "(I) to (XII)" which, as described in the specification at page 4, line 8 to page 9, line 35, at page 19, lines 28-31, at page 20, line 6 to page 23, line 12, at page 27, line 21 to page 33, line 28 and in Figure 18, include the embodiments of dependent claims 16-31. Thus, as amended, Group IV properly includes independent base Claim 32 and dependent Claims 16-29.

The cited sections of the specification also provide basis for new claims 39-41, which belong in Group IV for the reasons noted above for Claims 16-29. Basis for new claims 42 and 43 can be found, for example, in original claims 30 and 31. No new matter is added.

TRAVERSAL OF THE REQUIREMENT FOR RESTRICTION

Applicant traverses the Requirement for Restriction as incorrectly grouping the subject matter. The Requirement for Restriction groups claims 1-8, 11, 12, 33 and 38 under Group I, drawn to "anti-MPL single chain antibodies." Claims 5-8, 11 and 12, however, are not limited to the single chain form. Therefore, clarification and/or a redrafting of the Requirement for Restriction is respectfully sought. Although this request for clarification and reconsideration applies to a non-elected group (Group I), it is sought in the event Applicant wishes to pursue additional applications directed to non-elected subject matter.

TRAVERSAL OF THE REQUIREMENT FOR ELECTION OF SPECIES

The Examiner states that Claims 16-31 are not placed into any restriction grouping because the claims do not specify a particular activity of the claimed antibodies. Claims 16-31 are, however, subject to an Election of Species requirement. The Examiner alleges that the antibodies of Claims 16-31 specify incomplete sets of sequences and distinct combinations of heavy chain and light chain CDRs and/or framework regions, each constituting an individual species. The Examiner concludes that the species are not so linked as to form a general inventive concept under PCT Rule 13.1. The Examiner asks that Applicants elect a species, and further asks Applicants disclose to which of the restricted inventions the elected species belongs.

This objection is rendered moot with respect to claims 30 and 31, which are cancelled. With respect to the remaining claims, as required, Applicant has elected the species that is an antibody in which: (i) CDR1, CDR2 and CDR3 of a heavy chain variable region are identified by SEQ ID NOS: 36, 37 and 38, respectively, (ii) CDR1, CDR2 and CDR3 of a light chain variable region are identified by SEQ ID NOS: 93, 94 and 95, respectively, (iii) FR1, FR2, FR3 and FR4 of a heavy chain variable region are identified by SEQ ID NOS: 230, 232, 234 and 236, respectively, and (iv) FR1, FR2, FR3 and FR4 of a light chain variable region are identified by SEQ ID NOS: 239, 241, 243 and 245, respectively. However, this requirement for election of species is traversed with respect to the claims as presently amended. The claims as amended specify that Claims 16-29 and 38 are embodiments of base Claim 32, belonging to Group IV. The general inventive concept linking species Claims 16-29 and 38 (and new claims 39-43) is "An antibody that recognizes the region of amino acids 26 to 274 of human Mpl," as specified in base Claim 32. Applicant therefore asks that the species election requirement be withdrawn.

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In view of the provisional election, amendments and remarks herein, examination on the merits is respectfully requested.

Please apply any charges or credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

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